



UNIVERSAL WASTE RULE PROPOSED REGULATIONS

TITLE 22

CALIFORNIA CODE OF REGULATIONS

DIVISION 4.5

(September 28, 2000)

DTSC Reference Number: R-97-08

(Draft: shows changes to permanent Title 22 text)

Table of Contents

Add to the Table of Contents of Title 22, a new section 66261.9 to read as follows:

Article 1. General

* * *

§66261.9. Requirements for Universal Waste

Table of Contents

Add to the Table of Contents of Title 22, a new Chapter 23 to read as follows:

Chapter 23 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

Article 1. General

§66273.1. Scope.

§66273.2. Applicability--Batteries.

§66273.3. Reserved.

§66273.4. Applicability--Mercury Thermostats.

§66273.5. Applicability--Lamps.

§66273.6. Reserved.

§66273.7. Reserved.

§66273.8. Applicability--Household and conditionally exempt small quantity generator waste.

§66273.9. Definitions.

Article 2. Standards for Small Quantity Handlers of Universal Waste

§66273.10. Applicability.

§66273.11. Prohibitions.

§66273.12. Notification.

§66273.13. Waste Management.

§66273.14. Labeling/Marking.

§66273.15. Accumulation Time Limits.

§66273.16. Employee Training.

§66273.17. Response to Releases.

§66273.18. Offsite Shipments.

§66273.19. Tracking Universal Waste Battery Shipments.

§66273.20. Exports.

Article 3. Standards for Large Quantity Handlers of Universal Waste

§66273.30. Applicability.

§66273.31. Prohibitions.

§66273.32. Notification.

§66273.33. Waste Management.

§66273.34. Labeling/Marking.

**Proposed Regulations:
Universal Waste Rule
10/4/00**

Page 4

§66273.35. Accumulation Time Limits.
§66273.36. Employee Training.
§66273.37. Response to Releases.
§66273.38. Offsite Shipments.
§66273.39. Tracking Universal Waste Shipments.
§66273.40. Exports.

Article 4. Standards for Universal Waste Transporters

§66273.50. Applicability.
§66273.51. Prohibitions.
§66273.52. Waste Management.
§66273.53. Storage Time Limits.
§66273.54. Response to Releases.
§66273.55. Offsite Shipments.
§66273.56. Exports.
§66273.57. Transporter Reporting Requirements.

Article 5. Standards for Destination Facilities

§66273.60. Applicability.
§66273.61. Offsite Shipments.
§66273.62. Tracking Universal Waste Shipments.

Article 6. Import Requirements

§66273.70. Imports.

Amend Title 22, Section 66260.10 by adding the following definitions in alphabetical order to read as follows:

Article 2. Definitions

§66260.10. Definitions.

* * *

"Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Conditionally exempt small quantity universal waste generator" means a generator of universal waste who generates no more than 100 kilograms (220 pounds) of hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste and all hazardous waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in sections 66273.13 and 66273.33 (a), (b), and (c). A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

"Household" means a private residence. For the purposes of this chapter, household does not mean, for example, a hotel, motel, bunkhouse, ranger station, crew quarters, campground, picnic ground, or day-use recreation facility.

"Lamp", also referred to as "universal waste lamp", is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and

metal halide lamps.

Large Quantity Handler of Universal Waste means a universal waste handler (as defined in this section) who accumulates 5,000 kilograms or more total of universal waste (batteries, thermostats, or lamps calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

"Small Quantity Handler of Universal Waste" means a universal waste handler (as defined in this section) who does not accumulate 5,000 kilograms or more total of universal waste (batteries, thermostats, or lamps calculated collectively) at any time.

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of section 66273.33(b)(2).

"Universal Waste" means any of the following hazardous wastes that are managed under the universal waste requirements of chapter 23:

- (a) Batteries as described in section 66273.2;
- (b) Thermostats as described in section 66273.4; and
- (c) Lamps as described in section 66273.5.

"Universal Waste Handler":

(a) Means:

- (1) A generator (as defined in this section) of universal waste; or
- (2) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

(b) Does not mean:

(1) A person who treats (except under the provisions of section 66273.13 or 66273.33 (a), (b), and(c)), disposes of, or recycles universal waste; or

(2) A person engaged in the offsite transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal Waste Transfer Facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less in areas zoned industrial and six days or less for other areas. Shipments of universal waste batteries shall only be subject to the ten day storage limit.

"Universal Waste Transporter" means a person engaged in the offsite transportation of universal waste by air, rail, highway, or water.

NOTE: Authority cited: Sections 25141, 25150, 25158.1, 25158.4, 25159, 25159.5, 25187.7, 25200.10, 25204, 25218.3(d), 25316, 58004 and 58012, Health and Safety Code. Reference: Sections 25110.02, 25110.1, 25110.5, 25111, 25112, 25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.3, 25117.8, 25117.9, 25117.11, 25118, 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141, 25150, 25158.2, 25159, 25159.5, 25187.7, 25200.10, 25201.6, 25204, 25218.1(f), 25218.3, 25229, 25361, 25501, 25529, 58004 and 58012, Health and Safety Code; and 40 CFR Sections 260.10, 261.1, 264.552, 264.1031, 268.2, 270.2, and 273.6.

Add Title 22, Section 66261.9 to read as follows:

§66261.9. Requirements for Universal Waste.

The wastes listed in this section are exempt from regulation under chapter 6.5 of division 20 of the California Health and Safety Code and its implementing regulations except as specified in chapter 23 and, therefore, are not fully regulated as hazardous waste. The wastes listed in this section are subject to regulation under chapter 23:

(a) Batteries as described in section 66273.2;

(b) Thermostats as described in section 66273.4; and

(c) Lamps as described in section 66273.5.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25159.5, 25219, 25219.1, and 25219.2, Health and Safety Code; 40 CFR Section 261.9.

Amend Title 22, Section 66262.11 to read as follows:

§66262.11. Hazardous Waste Determination.

* * *

(d) If the waste is determined to be hazardous, the generator shall refer to chapters 14, 15, ~~and 18~~, and 23 of this division for possible exclusions or restrictions pertaining to management of the specific waste.

NOTE: Authority cited: Sections 208, 25150, 25159, Health and Safety Code.

Reference: Sections 25115, 25117, 25159, 25159.5, Health and Safety Code; 40 CFR Section 262.11.

Amend Title 22, Section 66264.1 to read as follows:

§66264.1. Purpose, Scope and Applicability.

* * *

(g) The requirements of this chapter do not apply to:

* * *

(12) Universal waste handlers and universal waste transporters (as defined in section 66260.10) handling the wastes listed below. These handlers are subject to regulation under chapter 23, when handling the below listed universal wastes:

(A) Batteries as described in section 66273.2;

(B) Thermostats as described in section 66273.4; and

(C) Lamps as described in section 66273.5.

NOTE: Authority cited: 25141, 25150, 25159, 25219.1, and 58012 Health and Safety Code. Reference: Sections 25141, 25159, 25159.5, 25219, 25219.1, 25219.2 Health and Safety Code; 40 CFR Section 264.1.

Amend Title 22, Section 66265.1 to read as follows:

§66265.1. Purpose, Scope and Applicability.

* * *

(d) The requirements of this chapter do not apply to:

* * *

(15) Universal waste handlers and universal waste transporters (as defined in section 66260.10) handling the wastes listed below. These handlers are subject to regulation under chapter 23, when handling the below listed universal wastes:

(A) Batteries as described in section 66273.2;

(B) Thermostats as described in section 66273.4; and

(C) Lamps as described in section 66273.5.

NOTE: Authority cited: Sections 25141, 25150, 25159, 25219.1, and 58012 Health and Safety Code. Reference: Sections 25141, 25150, 25159, 25159.5, 25200.5, 25219, 25219.1 and 25219.2 Health and Safety Code; 40 CFR Section 265.1.

Amend Title 22, Section 66268.1 to read as follows:

§66268.1. Purpose, Scope and Applicability.

* * *

(j) Universal waste handlers and universal waste transporters (as defined in section 66260.10) are exempt from sections 66268.7 and 66268.50 for the hazardous wastes listed below. These handlers are subject to regulation under chapter 23:

(1) Batteries as described in section 66273.2;

(2) Thermostats as described in section 66273.4; and

(3) Lamps as described in section 66273.5.

NOTE: Authority cited: Sections 25141, 25150, 25159, 25179.6, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159, 25159.5, 25179.3, 25179.6, 25179.7, 25179.8, 25179.9, 25179.10, 25179.11 25179.12, 25219, 25219.1, and 25219.2 Health and Safety Code; 40 CFR Sections 268.1.

Amend Title 22, Section 66270.1 to read as follows:

66270.1. Purpose and Scope of These Regulations.

(c) * * *

(2) * * *

(E) Universal waste handlers and universal waste transporters (as defined in section 66260.10) managing the wastes listed below. These handlers are subject to regulation under chapter 23.

1. Batteries as described in section 66273.2;

2. Thermostats as described in section 66273.4; and

3. Lamps as described in section 66273.5.

NOTE: Authority cited: Sections 25141, 25150, 25159, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25159 25159.5, 25219, 25219.1, and 25219.2 Health and Safety Code; 40 CFR Section 270.1.

Add Title 22, Section 66273.1 to read as follows:

Chapter 23. Standards for Universal Waste Management

Article 1. General

§66273.1 Scope.

(a) This chapter establishes requirements for managing the following:

(1) Batteries as described in section 66273.2;

(2) Thermostats as described in section 66273.4; and

(3) Lamps as described in section 66273.5.

(b) This chapter provides an alternative set of management standards in lieu of regulation under chapter 6.5 of division 20 of the California Health and Safety Code and its implementing regulations.

(c) The director in consultation with the Secretary for Environmental Protection shall conduct a review within five years of the effective date of the regulations in this chapter to determine whether the regulations should be retained, revised, or repealed.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, and 25219.2, Health and Safety Code; 40 CFR Section 273.1.

Add Title 22, Section 66273.2 to read as follows:

§66273.2. Applicability--Batteries.

(a) Batteries covered under chapter 23.

(1) The requirements of this chapter apply to persons managing batteries, as described in section 66273.9 including those batteries listed in section 25219 of the Health and Safety Code, except those listed in subsection (b) of this section.

(b) Batteries not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following batteries:

(1) Spent lead-acid batteries that are equivalent in type and equivalent to, or smaller in size than, spent lead-acid storage batteries, as described in article 7 of chapter 16 of this division (automotive type lead acid batteries), except for sealed lead-acid consumer-type batteries.

(2) Batteries, as described in section 66273.9, that are not yet wastes under chapter 11 of this division, including those that do not meet the criteria for waste generation in subsection (c) of this section.

(3) Batteries, as described in section 66273.9, that are not hazardous waste. A used battery is a hazardous waste if it exhibits one or more of the characteristics identified in article 3 of chapter 11 of this division.

(4) Batteries excluded from regulation under section 25216.3 of the Health and Safety Code.

(c) Generation of waste batteries.

(1) A used battery becomes a waste on the date it is discarded.

(2) An unused battery becomes a waste on the date the handler decides to discard it, as described in section 66261.2(b).

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, and 25219.2, Health and Safety Code; 40 CFR Section 273.2.

Proposed Regulations:
Universal Waste Rule
10/4/00

Page 16

Add Title 22, Section 66273.3 to read as follows:

§66273.3. Reserved.

Add Title 22, Section 66273.4 to read as follows:

§66273.4. Applicability--Mercury Thermostats.

(a) Thermostats covered under chapter 23. The requirements of this chapter apply to persons managing thermostats, as described in section 66273.9, except those listed in subsection (b) of this section.

(b) Thermostats not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following thermostats:

(1) Thermostats that are not yet wastes under chapter 11 of this division. Subsection (c) of this section describes when thermostats become wastes.

(2) Thermostats that are not hazardous waste. A used thermostat is a hazardous waste if it exhibits one or more of the characteristics identified in chapter 11, article 3.

(c) Generation of waste thermostats.

(1) A used thermostat becomes a waste on the date it is discarded.

(2) An unused thermostat becomes a waste on the date the handler decides to discard it, as described in section 66261.2(b).

NOTE: Authority Cited: Sections 25141, 25150, and 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, Health and Safety Code; 40 CFR Section 273.4.

Add Title 22, Section 66273.5 to read as follows:

§66273.5. Applicability-Lamps.

(a) Lamps covered under chapter 23. The requirements of this chapter apply to persons managing lamps, as described in section 66273.9, except those listed in subsection (b) of this section.

(b) Lamps not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following lamps:

(1) Lamps that are not yet wastes under chapter 11 of this division as provided in subsection (c) of this section.

(2) Lamps that are not hazardous waste. A used lamp is a hazardous waste if it exhibits one or more of the characteristics identified in chapter 11, article 3.

(3) Lamps which are not destined for an authorized recycling facility.

(c) Generation of waste lamps.

(1) A used lamp becomes a waste on the date it is discarded.

(2) An unused lamp becomes a waste on the date the handler decides to discard it, as described in section 66261.2(b).

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, and 25219.2, Health and Safety Code; 40 CFR 273.5.

Proposed Regulations:
Universal Waste Rule
10/4/00

Page 19

Add Title 22, Section 66273.6 to read as follows:

§66273.6. Reserved.

**Proposed Regulations:
Universal Waste Rule
10/4/00**

Page 20

Add Title 22, Section 66273.7 to read as follows:

§66273.7. Reserved.

Add Title 22, Section 66273.8 to read as follows:

§66273.8. Applicability--Household and conditionally exempt small quantity generator waste.

(a) Until [OAL INSERT DATE FOUR YEARS AFTER THE EFFECTIVE DATE OF THESE REGULATIONS], universal waste produced by households, as defined in section 66273.9, produced incidental to owning or leasing and maintaining a place of residence, is not classified as hazardous waste provided it is recycled by a destination facility or is disposed in a landfill permitted to accept municipal solid waste or hazardous waste.

(b) Until [OAL INSERT DATE FOUR YEARS AFTER THE EFFECTIVE DATE OF THESE REGULATIONS], universal waste produced by conditionally exempt small quantity universal waste generators, as defined in section 66273.9, is not classified as hazardous waste provided it is managed according to the following criteria:

(1) No more than 25 fluorescent lighting tubes are discarded in any one day at any one location; and

(2) The generator's total generation of hazardous waste and universal waste does not exceed 100 kilograms (220 pounds) or, if the generator generates acutely hazardous waste, 1 kilogram (2.2 pounds), in any calendar month; and

(3) The waste is recycled by a destination facility or disposed in a landfill permitted to accept municipal solid waste or hazardous waste; and

(4) The generator remains in compliance with 40 CFR section 261.5.

(c) Persons who commingle the wastes described in subsection (a) and (b) of this section together with other universal waste regulated under this chapter shall manage the commingled waste under the requirements of this chapter.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 261.4, 261.5, and 273.8.

Add Title 22, Section 66273.9 to read as follows:

§66273.9. Definitions.

"Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Conditionally exempt small quantity universal waste generator" means a generator of universal waste who generates no more than 100 kilograms (220 pounds) of hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste and all hazardous waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in section 66273.13 and section 66273.33 (a),(b),and (c)). A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

"Household" means a private residence. For the purposes of this chapter, household does not mean a hotel, motel, bunkhouse, ranger station, crew quarters, campground, picnic ground, or day-use recreation facility.

"Lamp" also referred to as "universal waste lamp" is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Large Quantity Handler of Universal Waste" means a universal waste handler (as defined in this section) who accumulates 5,000 kilograms or more total of universal waste (batteries, thermostats, or lamps calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

"Small Quantity Handler of Universal Waste" means a universal waste handler (as defined in this section) who does not accumulate 5,000 kilograms or more total of universal waste (batteries, thermostats, or lamps) calculated collectively at any time.

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of section 66273.33(b)(2).

"Universal Waste" means any of the following hazardous wastes that are subject to the universal waste requirements of chapter 23:

(a) Batteries as described in section 66273.2;

(b) Thermostats as described in section 66273.4; and

(c) Lamps as described in section 66273.5.

"Universal Waste Handler":

(a) Means:

(1) A generator (as defined in this section) of universal waste; or

(2) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

(b) Does not mean:

(1) A person who treats (except under the provisions of section 66273.13, or section 66273.33 (a), (b), and (c), disposes of, or recycles universal waste; or

(2) A person engaged in the offsite transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal Waste Transfer Facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less in areas zoned industrial and six days or less for other areas. Shipments of

universal waste batteries are only subject to the ten day storage limit.

"Universal Waste Transporter" means a person engaged in the offsite transportation of universal waste by air, rail, highway, or water.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 261.4, 261.5, and 273.9.

Add Title 22, Section 66273.10 to read as follows:

Article 2--Standards for Small Quantity Handlers of Universal Waste

§66273.10. Applicability.

This article applies to small quantity handlers of universal waste (as defined in section 66273.9).

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 273.10.

Add Title 22, Section 66273.11 to read as follows:

§66273.11. Prohibitions.

A small quantity handler of universal waste is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.17; or by managing universal waste as provided in section 66273.13.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 273.11.

Add Title 22, Section 66273.12 to read as follows:

§66273.12. Notification.

A small quantity handler of universal waste is not required to notify EPA of universal waste handling activities.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 273.12.

Add Title 22, Section 66273.13 to read as follows:

§66273.13. Waste Management.

(a) Universal waste batteries. A small quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste battery to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

(A) Sorting batteries by type;

(B) Mixing battery types in one container;

(C) Discharging batteries so as to remove the electric charge;

(D) Regenerating used batteries;

(E) Disassembling batteries or battery packs into individual batteries or cells;

(F) Removing batteries from consumer products; or

(G) Removing electrolyte from batteries.

(3) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte, other solid waste, or both, exhibit a characteristic of hazardous waste identified in chapter 11, article 3.

(A) If the electrolyte, other solid waste, or both, exhibit a characteristic of hazardous waste, it is subject to all applicable requirements of chapters 10 through 21. The handler is considered the generator of the hazardous electrolyte, other waste, or both, and is subject to chapter 12.

(B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations.

(b) Universal waste thermostats. A small quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the thermostat, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler:

(A) Removes the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 CFR 262.34;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 CFR 262.34;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, non-leaking containers that are in good condition;

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(3)(A) A small quantity handler of universal waste who removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11 of this division:

1. Mercury or clean-up residues resulting from spills or leaks; and/or

2. Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).

(B) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other waste and shall manage it is subject to chapter 12 of this division.

(C) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(c) Lamps. A small quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could-cause leakage under reasonably foreseeable condition.

(2) A small quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or

other hazardous constituent to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 25219.2, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.13.

Add Title 22, Section 66273.14 to read as follows:

§66273.14. Labeling/Marking.

A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Battery(ies), or "Waste Battery(ies)," or "Used Battery(ies)."

(b) Universal waste thermostats (i.e., each thermostat), or a container in which the thermostats are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)".

(c) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with one of the following phrases: "Universal Waste--Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.14.

Add Title 22, Section 66273.15 to read as follows:

§66273.15. Accumulation Time Limits.

(a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal wastes are generated, or received from another handler, unless the requirements of subsection (b) of this section are met.

(b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal wastes are generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal wastes have been accumulated from the date they become a waste or were received. The handler may make this demonstration by:

(1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(2) Marking or labeling each individual item of universal waste (e.g. each battery, thermostat, or lamp) with the date it became a waste or was received;

(3) Maintaining an inventory system onsite that identifies the date each universal waste became a waste or was received;

(4) Maintaining an inventory system onsite that identifies the earliest date that any universal waste in a group of universal waste or a group of containers of universal waste became a waste or was received;

(5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(6) Any other method which clearly demonstrates the length of time that the universal waste have been accumulated from the date they become a waste or are received.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 273.15.

Add Title 22, Section 66273.16 to read as follows:

§66273.16. Employee Training.

A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.16.

Add Title 22, Section 66273.17 to read as follows:

§66273.17. Response to Releases.

(a) A small quantity handler of universal waste shall immediately contain all releases of universal waste and other residues from universal waste.

(b) A small quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of chapters 10 through 21 of this division. The handler is considered the generator of the material resulting from the release and shall manage it in compliance with chapter 12.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.17.

Add Title 22, Section 66273.18 to read as follows:

§66273.18. Offsite Shipments.

(a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a small quantity handler of universal waste self-transportes universal waste offsite, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of article 4 of this chapter while transporting the universal waste.

(c) If universal waste being offered for offsite transportation meets the definition of hazardous materials under 49 CFR parts 171 through 180, a small quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

(e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:

(1) Receive the waste back when notified that the shipment has been rejected, or

(2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he shall contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler shall:

(1) Send the shipment back to the originating handler, or

(2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the Department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.18.

Add Title 22, Section 66273.19 to read as follows:

§66273.19. Tracking Universal Waste Shipments.

A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 273.19.

Add Title 22, Section 66273.20 to read as follows:

§66273.20. Exports.

A small quantity handler of universal waste who sends universal waste to a foreign destination other than to those OECD countries specified in section 66262.58 (a)(1) (in which case the handler is subject to the requirements of chapter 12, article 8) shall:

(a) Comply with the requirements applicable to a primary exporter in section 66262.53, 66262.56(a)(1) through (4), (6), and (b) and 66262.57;

(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in chapter 12, article 5 of this division; and

(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.20.

Add Title 22, Section 66273.30 to read as follows:

Article 3. Standards for Large Quantity Handlers of Universal Waste

§66273.30. Applicability.

This article applies to large quantity handlers of universal waste (as defined in section 66273.9).

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 273.30.

Add Title 22, Section 66273.31 to read as follows:

§66273.31. Prohibitions.

A large quantity handler of universal waste is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.37; or by managing specific wastes as provided in section 66273.33.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 273.31.

Add Title 22, Section 66273.32 to read as follows:

§66273.32. Notification.

(a)(1) Except as provided in subsection (a) (2) of this section, a large quantity handler of universal waste shall have sent written notification of universal waste management to the Regional Administrator or the Department and received an Identification Number.

(2) A large quantity handler of universal waste who has already notified EPA or the Department of their hazardous waste management activities and has received an Identification Number is not required to renotify under this section.

(b) This notification shall include:

(1) The universal waste handler's name and mailing address:

(2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities:

(3) The address or physical location of the universal waste management activities:

(4) A list of all of the types of universal waste managed by the handler (e.g. batteries, thermostats, and lamps); and

(5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g. batteries, thermostats, or lamps) the handler is accumulating above this quantity.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.32.

Add Title 22, Section 66273.33 to read as follows:

§66273.33. Waste management.

(a) Universal waste batteries. A large quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste battery to the environment, as follows:

(1) A large quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

(A) Sorting batteries by type;

(B) Mixing battery types in one container;

(C) Discharging batteries so as to remove the electric charge;

(D) Regenerating used batteries;

(E) Disassembling batteries or battery packs into individual batteries or cells;

(F) Removing batteries from consumer products; or

(G) Removing electrolyte from batteries.

(3) A universal waste handler who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte, other solid waste, or both, exhibits a characteristic of hazardous waste identified in chapter 11, article 3.

(A) If the electrolyte, other solid waste, or both, exhibit(s) a characteristic of hazardous waste, the electrolyte, other solid waste, or both, shall be managed in compliance with all applicable requirements of chapters 10 through 21. The handler is considered the generator of the hazardous electrolyte, other waste, or both, and is subject to chapter 12.

(B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal waste thermostats. A large quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the thermostat, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler:

(A) Removes the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of section 66262.34;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of section 66262.34;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, non-leaking containers that are in good condition; and

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

(3)(A) A large quantity handler of universal waste who removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in chapter 11, article 3:

1. Mercury or clean-up residues resulting from spills or leaks; or

2. Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).

(B) If the mercury, residues, or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of chapters 10 through 21. The handler is considered the generator of the mercury, residues, or other waste and is subject to chapter 12.

(C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(c) Lamps. A large quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the content of the lamps. Such containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or

other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.33.

Add Title 22, Section 66273.34 to read as follows:

§66273.34. Labeling/Marking.

A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, shall be labeled or marked clearly with the any one of the following phrases: "Universal Waste-- Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

(b) Universal waste thermostats (i.e., each thermostat), or a container or tank in which the thermostats are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

(c) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with any one of the following phrases: " Universal Waste-- Lamp(s)," or " Waste Lamp(s)," or " Used Lamp(s)."

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.34.

Add Title 22, Section 66273.35 to read as follows:

§66273.35. Accumulation Time Limits.

(a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, received from another handler, unless the requirements of subsection (b) of this section are met.

(b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received, from another handler, the times specified in section (a) above if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A large quantity handler of universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(2) Marking or labeling the individual item of universal waste (e.g., each battery, thermostat, or lamp) with the date it became a waste or was received;

(3) Maintaining an inventory system onsite that identifies the date the universal waste being accumulated became a waste or was received;

(4) Maintaining an inventory system onsite that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

(5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

Proposed Regulations:
Universal Waste Rule
10/4/00

Page 50

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 273.35.

Add Title 22, Section 66273.36 to read as follows:

§66273.36. Employee Training.

A large quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.36.

Add Title 22, Section 66273.37 to read as follows:

§66273.37. Response to Releases.

(a) A large quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A large quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of chapters 10 through 21. The handler is considered the generator of the material resulting from the release and shall manage it in compliance with chapter 12.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 273.37.

Add Title 22, Section 66273.38 to read as follows:

§66273.38. Offsite Shipments.

(a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a large quantity handler of universal waste self-transportes universal waste offsite, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of article 4 of this chapter while transporting the universal waste.

(c) If a universal waste being offered for offsite transportation meets the definition of hazardous materials under 49 CFR 171 through 180, a handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

(e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handle shall either:

(1) Receive the universal waste back when notified that the shipment has been rejected, or

(2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that the handler has received from another handler. If a handler rejects a shipment or a portion of a shipment, the handler shall contact the originating handler to notify the originating handler of the rejection and to discuss reshipment of the load. The handler shall:

(1) Send the shipment back to the originating handler, or

(2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the Department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 25219.2, 58012, Health and Safety Code. Reference: 25141, 25150, 25159, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.38.

Add Title 22, Section 66273.39 to read as follows:

§66273.39. Tracking Universal Waste Shipments.

(a) Receipt of shipments. A large quantity handler of universal waste shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;

(2) The quantity of each type of universal waste received (e.g., batteries, thermostats, lamps);

(3) The date of receipt of the shipment of universal waste.

(b) Shipments offsite. A large quantity handler of universal waste shall keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent shall include the following information:

(1) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;

(2) The quantity of each type of universal waste sent (e.g., batteries, thermostats, lamps);

(3) The date the shipment of universal waste left the facility.

(c) Record retention.

(1) A large quantity handler of universal waste shall retain the records described in subsection (a) of this section for at least three years from the date of receipt of a shipment of universal waste.

(2) A large quantity handler of universal waste shall retain the records described in subsection (b) of this section for at least three years from the date a shipment of universal waste left the facility.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 25219.2, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.39.

Add Title 22, Section 66273.40 to read as follows:

§66273.40. Exports.

A large quantity handler of universal waste who sends universal waste to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the handler is subject to the requirements of chapter 12, article 8) shall:

(a) Comply with the requirements applicable to a primary exporter in sections 66262.53, 66262.56(a)(1) through (4), (6), and (b), and 66262.57;

(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in chapter 12, article 5; and

(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.40.

Add Title 22, Section 66273.50 to read as follows:

Article 4. Standards for Universal Waste Transporters

§66273.50. Applicability.

This article applies to universal waste transporters (as defined in section 66273.9).

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 273.50.

Add Title 22, Section 66273.51 to read as follows:

§66273.51. Prohibitions.

A universal waste transporter is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.54.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 273.51.

Add Title 22, Section 66273.52 to read as follows:

§66273.52. Waste Management.

(a) A universal waste transporter shall comply with all applicable U.S. Department of Transportation regulations in 49 CFR part 171 through 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the Department of Transportation regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in Title 40, CFR, Part 262. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the Department of Transportation regulations.

(b) Some universal waste materials are regulated by the Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest under chapter 12, they may not be described by the DOT proper shipping name ``hazardous waste, (I) or (S), n.o.s.", nor may the hazardous material's proper shipping name be modified by adding the word ``waste".

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.52.

Add Title 22, Section 66273.53 to read as follows:

§66273.53. Storage Time Limits.

(a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less in areas zoned industrial and six days or less for other areas. Universal waste batteries may be stored for ten days or less in all areas.

(b) If a universal waste transporter stores universal waste for more than the applicable amount of time, the transporter becomes a universal waste handler and shall comply with the applicable requirements of articles 2 or 3 of this chapter while storing the universal waste.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.53.

Add Title 22, Section 66273.54 to read as follows:

§66273.54. Response to Releases.

(a) A universal waste transporter shall immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A universal waste transporter shall determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of chapters 10 through 21. If the waste is determined to be a hazardous waste, the transporter is subject to chapter 12.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 273.54.

Add Title 22, Section 66273.55 to read as follows:

§66273.55. Offsite Shipments.

(a) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

(b) If the universal waste being shipped offsite meets the Department of Transportation's definition of hazardous materials under 49 CFR 171.8, the shipment shall be properly described on a shipping paper in accordance with the applicable Department of Transportation regulations under 49 CFR part 172.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.55.

Add Title 22, Section 66273.56 to read as follows:

§66273.56. Exports.

A universal waste transporter transporting a shipment of universal waste to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the handler is subject to the requirements of chapter 12, article 8) may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition, the transporter shall ensure that:

(a) A copy of the EPA Acknowledgment of Consent accompanies the shipment;
and

(b) The shipment is delivered to the facility designated by the person initiating the shipment.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.56.

Add Title 22, Section 66273.60 to read as follows:

Article 5. Standards for Destination Facilities

§66273.60. Applicability.

(a) The owner or operator of a destination facility (as defined in section 66273.9) is subject to all applicable requirements of chapters 14, 15, 16, 18, and 20 of this division

(b) The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled shall comply with section 66261.6.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code.
Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code;
40 CFR Sections 273.60.

Add Title 22, Section 66273.61 to read as follows:

§66273.61. Offsite Shipments.

(a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.

(b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, he shall contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility shall:

(1) Send the shipment back to the original shipper, or

(2) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

(c) If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility shall immediately notify the Department of the illegal shipment, and provide the name, address, and phone number of the shipper. The Department will provide instructions for managing the hazardous waste.

(d) If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or state solid waste regulations.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.61.

Add Title 22, Section 66273.62 to read as follows:

§66273.62. Tracking Universal Waste Shipments.

(a) The owner or operator of a destination facility shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;

(2) The quantity of each type of universal waste received (e.g., batteries, thermostats, lamps);

(3) The date of receipt of the shipment of universal waste.

(b) The owner or operator of a destination facility shall retain the records described in subsection (a) of this section for at least three years from the date of receipt of a shipment of universal waste.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.62.

Add Title 22, Section 66273.70 to read as follows:

Article 6. Import Requirements

§66273.70. Imports.

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this chapter, immediately after the waste enters the United States, as indicated below:

(a) A universal waste transporter is subject to the universal waste transporter requirements of article 4 of this chapter.

(b) A universal waste handler is subject to the handler of universal waste requirements of articles 2 or 3, as applicable.

(c) An owner or operator of a destination facility is subject to the destination facility requirements of article 5 of this chapter.

(d) Persons managing universal waste that is imported from an OECD country as specified in section 66262.58(a)(1) are subject to subsections (a) through (c) of this section, in addition to the requirements of chapter 12, article 8.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 273.70.